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OTHER ISSUES

Written statement*/ submitted by the Japan Fellowship of Reconciliation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 July 2001]

*/ This written statement is issued, unedited, as received in English, from the submitting non-governmental organization(s).

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ENG

"Comfort women": Current negative reactions and positive developments

JFOR welcomes Commission's Decision 2001/108 0f 24 April 2001 on "Systematic rape, sexual slavery and slavery-like practices" that endorsed Resolution 2000/13 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights concerning Ms. Gay McDougall's reports (E/CN.4/Sub.2/1998/13 and E/CN.4/Sub.2/2000/21).

JFOR wishes to submit some current information as regards this issue to the Sub-Commission and the High Commissioner for Human Rights, who is responsible for monitoring this area[1].

1. Negative reactions by Japan

Firstly, JFOR regrets the negative reactions made by the Japanese government on the textbook controversy. Press reported that a new middle-school history textbook published in 2001 by a Japanese Fuso publishing group "glossed over wartime atrocities and omitted any mention of such practices as the sexual slavery of tens of thousands of women in occupied territory" [2]. Despite the strenuous objections from the ROK and China, the Japanese government refused to fully correct the textbook..

JFOR wishes to draw the attention of the Sub-Commission to the following facts. Earlier in 1996, the Japanese government admitted their military's coercion upon the victims of sexual slavery, "comfort women", made commitments before the Commission on Human Rights and declared that Japan changed its policy to include the description of the historical facts concerning military sexual slavery by the Japanese military as follows[3]:

"Hoping to play an more active role in the international community, the Government of Japan attaches great importance to the school education and is intensifying the efforts in that field, through which the youth who will lead the Japan's future correctly understand the facts of modern and contemporary history. In the current official guidelines for school education, the Government takes such measures as introducing to the senior high school curriculums the courses of "Japanese history A" and "World History A" which lays stress on modern and contemporary history. In the above courses, for example, teachers are expected to give students understanding of the facts of history based on objective and impartial materials, under the item of "Transformation of Asian Countries and Japan" (World History A) or "Circumstances of the World during the periods of the World War I and II and Japan" (Japanese History A).

As a result, about 70% of high school textbooks carry descriptions on the issue of "comfort women"."

JFOR believes that the Japanese government's refusal of correction of the above-mentioned textbook and its permission of the textbook with no description of "comfort women" must be interpreted as violations of the international commitment mentioned above.

Secondly, despite harsh criticisms, PM KOIZUMI maintains that he, as PM of Japan, will pay tribute to the war criminals enshrined in YASUKUNI SHRINE that was established by SHINTO, the wartime national religion of Imperial Japan. This is substantially equivalent to the treatment of the war criminals convicted by the International Military Tribunal for the Far East as a national hero. Mr. KOIZUMI's attempt will reverse the IMTFE's landmark judgment, which Japan accepted under Article 11 of the 1951 San Francisco Peace Treaty and to whitewash the war crimes and crimes against humanity committed by Japan. This must be in violation of the spirit of the Article 11[4].

2. Positive developments

JFOR profoundly appreciates the cooperation and movements made by the three opposition parties as well as the citizens and NGOs in Japan and the concerned counties in order to achieve reconciliation through legislation by the Japanese National Diet[5]. Three opposition parties succeeded, for the first time, in submitting to the House of Councilors a united Bill for "Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion Act" below[6].

Firstly, although it was abolished due to the lack of time for debates, it is expected for the same Bill to be submitted again after the coming election of the House in July 2001. Secondly, this successful submission of the Bill proved that this issue could be solved by legislative measures, and that it destroyed the myth presented by the Japanese government that no direct compensation was legally possible. Thirdly, the concerned NGOs including those groups in victimized countries supporting survivors of military sexual slavery by Japan and the concerned governments except for the Japanese government welcomed this Bill. For the first time, a way to reconciliation of this issue is now visibly seen within our reach.

JFOR wishes to request not only the UN and other international specialized agencies such as the ILO, but also all the concerned governments, NGOs and others such as press for all possible supports to these legislative movements.

Followings are excerpts from "Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion Act (Bill)"[7]:

(Objectives)
Article 1:
In view of the fact that prior to and during World War II, with the involvement of the Imperial Japanese Army and Navy, organized and prolonged coercion of sexual acts was carried out against women and, because of such coercion, the dignity and honor of the women were severely violated and considering that it is the imperative task for the nation of Japan, under its responsibility to take quick steps to restore the honor and others of the women, the objectives of this Act lie in providing the necessary fundamental grounds for the resolution of the issues concerning the victims of wartime sexual coercion and, by doing so, in improving the trustworthy relationship between the peoples of the concerned nations and our people and in making it possible for our country to occupy an honored place in an international society.

(Definitions)
Article 2:
In this act, "wartime sexual coercion" means the act of organized and prolonged sexual coercion of women, who were recruited against their will with direct or indirect involvement of the imperial army and navy before and during the past World War as well as a series of military actions including incidents prior to it.
2 (omitted)

(Measures to Restore Honor)
Article 3:
The government must singularly express an apology for the violation of the honor and dignity of the victims of wartime sexual coercion and implement necessary measures to restore their honor and others as soon as possible.
2 The measures preceding paragraph shall include the monetary payment for the victims of wartime sexual coercion.

(Fundamental Policies)
Article 4:
The government must lay down the fundamental policies on the measures to go forward with the resolution for the issues concerning the victims of wartime sexual coercion ("the fundamental policies" hereafter).
2 (omitted)
3 Whenever the government laid down the fundamental policies or any change of the existing fundamental policies, it shall report them to the Diet and make them public.

(Care for Relationship with the Governments of the Concerned States)
Article 5: (omitted)

(Care for Human Rights of Victims of Wartime Sexual coercion)
Article 6: (omitted)

(People's Recognition and Understanding)
Article 7: (omitted)

(Measures including Budget)
Article 8: (omitted)

(Report to the Diet)
Article 9: (omitted)

(Council for Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion)
Article 10:
The Council for Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion (the "Council", hereafter) shall be established at Naikakuhu (the Ministry of the Cabinet).
2 (omitted)
3 (omitted)
4 (omitted)

(Organization of the Council)
Article 11:
The Council consists of a President and Council Members.
2 The Prime Minister shall appoint the President.
3 (omitted)

(Committee for Promotion of the Investigation)
Article 12:
The Committee for Promotion of the Investigation shall be set up under the Council in order to make it deal with the tasks stated in Article 10, 2 (3).
2 The Committee for Promotion of the Investigation, regularly or whenever necessary, shall formulate the progress of the investigation as well as its results in accordance with Article 4, Paragraph 2, (3) and repot them to the President.
3 The Prime Minister shall appoint the Members of the Committee for Promotion of the Investigation from among those of knowledge and experience and the staff of the pertinent administrative authorities.

(Delegated Legislation by Ordinances)
Article 13: (omitted)

Additional Clauses
(Omitted)

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[1] E/CN.4/SUB.2/RES/2000.

[2] Howard W. French, "Japan's Refusal to Revise Textbooks Angers Neighbors", the New York Times, July 10, 2001.
[3] E/CN.4/1996/137.
[4] PM's visit to the shrine also violates the Japanese Consitution. Its Article (3) stipulates: "The State and its organs shall refrain from religious education or any other religious activity."
[5] The legislative movements in Japan is being led by Mr. Koken TSUCHIYA, former President of the Japan Federation of Bar Associations.
[6] On March 21, 2001, Members of the House of Councilors, Mr. Shoji MOTOOKA and Ms. Keiko CHIBA from Democratic Party, Ms. Haruko YOSHIKAWA from Communist Party and Ms. Sumiko SHIMIZU from Social Democratic Party being supported by 76 other Members submitted the Bill to the House Chairperson.
[7] Tentative Translation by Sen.Shoji Motooka's Office, March 2001